

**Notice of Allowability**

Application No.

10/716,814

Examiner

Isiaka O. Akanbi

Applicant(s)

NGUYEN ET AL.

Art Unit

2877

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 25 April 2006.
2. ☒ The allowed claim(s) is/are 1-6, 8-16, 18-28.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

## **DETAILED ACTION**

### ***Amendment***

The amendment filed 25 April 2006 has been entered into this application. Claim 7 and 17 are cancelled and claim 29 is added.

## **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Steven E. Koffs on June 29, 2006.

The application has been amended as follows:

- Claim 29 is cancelled.

### ***Response to Arguments***

Applicant's arguments/remarks, see pages 8-9, filed 25 April 2006, with respect to the rejection(s) of claim(s) 1-6, 9-16 and 19-25 under 35 U.S.C. 102(b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

### ***Examiner's Reasons for Allowance***

Claims 1-6, 8-16, 18-28 are allowed over the prior art of record.

The following is an examiner's statement of reasons for allowance:

As to claim 1, the examiner agrees with the applicant arguments that the prior art of record, taken alone or in combination, fails to disclose or render obvious the substrate having a second film on at least a portion of the contrast film, in combination with the rest of the limitations of the claim. Claims 3-6 and 8-11 are allowable by virtue of their dependency on claim 1.

As to claim 2, the prior art of record, taken alone or in combination, fails to disclose or render obvious wherein the measured portion of the beam has a first frequency distribution if the positioning stage has a zero offset, and a second frequency distribution if the positioning stage has a non-zero offset, in combination with the rest of the limitations of the claim.

As to claim 12, the prior art of record, taken alone or in combination, fails to disclose or render obvious the substrate having a second film on at least a portion of the contrast film, in combination with the rest of the limitations of the claim. Claims 13-16 and 18-20 are allowable by virtue of their dependency on claim 12.

As to claim 21, the prior art of record, taken alone or in combination, fails to disclose or render obvious wherein the plurality of geometrical objects includes a plurality of first rectangular contrast film portions, and the monitor wafer further includes a plurality of second rectangular contrast film portions on one or more of the first rectangular contrast film portions, in combination with the rest of the limitations of the claim. Claims 22-28 are allowable by virtue of their dependency.


#### **Fax/Telephone Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isiaka Akanbi whose telephone number is (571) 272-8658. The examiner can normally be reached on 8:00 a.m. - 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory J. Toatley Jr. can be reached on (571) 272-2800 ext. 77. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Isiaka Akanbi  
June 29, 2006



**HWA (ANDREW) LEE**  
**PRIMARY EXAMINER**